EXHIBIT 35

June 02, 2017

Page 1

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC LITIGATION,

CASE NO. 5:16-CV-00523-RMW

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF CHRISTOPHER NELSON

San Francisco, California

Friday, June 2, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2257

Pages 1 - 171

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Page 16 2 drive in the past year, and I had done some resulting at that point. 4 THE REPRETER: You said sight terabyte? 5 THE NITHSS: Hight terabyte? 6 HYME, BORDYLE: 7 Q Do you have an understanding of what this 8 case is about? 8 A Yes. 8 Case is about? 10 NEW, SIENGEL: Objection as to form. Just 10 New SIENGEL: Objection as to form. Just 11 wait just a step beat. 11 Wait just a step beat. 12 HYME, BORDYLE: 13 Q Let me just briefly, with respect to 6 chopicus, your attorney say object to the form of 15 a question, which gives me an opportunity to 7 replace the question, wild gives me an opportunity to 7 reframe it, you should attempt to answer. Do you 10 understand that? 12 A Yes. 13 A Yes. 14 A Yes. 15 A Yes. 16 Q Mat is your geb? 17 Instructs you not to answer, though, if you're able 16 to answer the question, and I don't withdraw it or 7 reframe it, you should attempt to answer. Do you 10 understand that? 12 A Yes. 13 A Wes. 14 Q STANCE: On you read the last. 14 Q Counties you not to answer, though, if you're able 16 to answer the question, and I don't withdraw it or 7 reframe it, you should attempt to answer. Do you 10 understand that? 12 A Yes. 13 A Wes. 14 Post. 15 A Yes. 16 Q Row long have you had that pesition? 16 A Yes. 17 Q Row long have you had that pesition? 18 O Row long have you had that pesition? 19 A O Dry you recall whether you read anything 10 about the reliability of hard drives prior to your 10 purchase of a seagate three-recaptive hard drive? 15 A Yes. 16 Q Row long have you had that position? 17 A O Dry you recall whether you read anything 10 A New 10 purchase of a seagate three-recaptive hard drive? 18 A Yes. 19 O Do you recall whether you read anything 10 A New 10 purchase of a seagate three-recaptive hard drive? 19 A Wes. 10 O Do you recall whether you read anything 10 A New 10 purchase of a seagate three-recaptive hard drive? 11 A The three-terabyte hard drive? 12 A The three-terabyte hard drive? 13 O Row long have you had that position? 14 O Poyou recall what information on those dr		istopher Nelson, Vol 1			June 02, 2017
2 A That point. THE REPORTER: You said eight terabyte? THE WITHERSE: Eight terabyte? THE WITHERSE: Eight terabyte. 5	1	<u> </u>	1	Q	
THE MITNESS: Eight terubyte. 5	2		2		-
THE MITNESS: Eight terubyte. 5	3	at that point.	3	Q	We'll return to that topic later.
6 BY MR. POROVIC: 7 Q Do you have an understanding of what this 5 case is about? 8 A Yes. 10 What is your job? 11 Walf just a step beat. 12 Walf just a step beat. 13 Walf just a step beat. 14 Walf just a step beat. 15 Yes. POROVIC: 16 Pagh. ROBOVIC: 17 Q Let me just briefly, with respect to the form of a question, which gives me an opportunity to 14 Capture, which gives me an opportunity to 15 a question, which gives me an opportunity to 16 rephrase the question, thickes we may not attorney 16 test it as the users would use it. 17 instructs you not to answer, though, if you're able 16 to answer the question, and I don't withdraw it or 17 reframe it, you should attempt to answer. Do you understand that? 18 Yes. 19 Thank you. 19 Question back, please. 21 Q Thank you. 22 Q Thank you. 23 Question back, please. 24 Question back, please. 25 THE REBORIER: Sure. 26 What is your understanding of what this 5 case is about? 27 Page 15 Capture and fire you read the this 5 case is about? 28 PAR. POROVIC: 29 A Yes. 20 What is your understanding of what this 5 case is about? 30 Q Do you recall whether you read anything 10 about the reliability of hard drives prior to your 11 purchase of a Seagate three-terabyte hard drive. 30 Q Do you recall that you did read. 31 Page 5 A Yes. 32 A Yes. 33 Became at the time that was the only place that 15 Q D Poes your job involve testing hardware at 15 Q D Poes you readly make information on toose drives, 15 Q Poes your job involve using a computer? 39 Q D Poes you recall what information on toose drives, 16 Q Prior to Esurance, were you employed before that? 30 Q Do you recall what information specific could on the west-table of the drive that is a the considering information specific could on the west-table seasociate.	4	THE REPORTER: You said eight terabyte?	4		Are you currently employed?
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8 case is about? 9 A Yes. 10 whit just a step beat. 11 wait just a step beat. 12 BY MR. POPOVIC: 13 Q Let me just briefly, with respect to 14 objections, your attorney may object to the form of 15 a question, which gives me an opportunity to 15 rephrase the question. Unless your attorney 16 instructs you not to answer, though, if you're able 16 to answer the question, and I don't withdraw it or 17 instructs you not to answer, though, if you're able 17 or aframe it, you should attempt to answer. Do you 18 understand that? 19 reframe it, you should attempt to answer. Do you 19 mile thank you. 20 Q Thank you. 21 A Yes. 22 Q Thank you. 22 A Correct. 23 PMR. POPOVIC: Can you read the last 23 Q How long have you had that position? 24 question back, please. 25 THE REFORTER: Sure. Page 15 1 (Record read.) 26 RAY SERGEL: I objected as to form. 27 A I have specialized in a couple different kinds of software relability. 28 Case is a about? 29 Mat is your understanding of what this case is about? 30 A That the specific model, the relability of hard drives prior to your 10 purchase of a Seagate three-terabyte hard drive, has a very low 10 purchase of a Seagate three-terabyte hard drive, has a very low 11 purchase of a Seagate three-terabyte hard drive? 19 Q Do you recall that you did read 18 comething? 11 A Under the weekler? 12 A Yes. 13 Q Do you recall that you did read 18 comething? 14 Q Do you recall that you did read 19 Q Does your job involve testing hardware at 19 Could read? 19 Q Do you recall that you did read 19 Q Does your job involve using hard drives? 10 Q Do you recall that information you read 18 could late a pour low that things are stored on hard drive when you're using a computer? 12 A In-bub. 13 Q Do you recall what information you read the last Carly place that 18 comething? 14 Q Do you recall what information you read the last Carly of the drive when you're using a computer? 15 C Whith the weekler? 16 A In-bub. 17 Q Do you recall what information you read the last Carly of the drive when you're using a	6	BY MR. POPOVIC:	6	Q	What's your job?
3	7	Q Do you have an understanding of what this	7	A	I test software.
10 MR. SIEGEL: Objection as to form. Just 10 A	8	case is about?	8	Q	Who are you employed by?
### wait just a step beat. 10	9	A Yes.	9	A	Esurance.
### wait just a step beat. 12	10	MR. SIEGEL: Objection as to form. Just	10	Q	What kind of software do you test?
12 PY MR. POROVIC: 13 Q Let me just briefly, with respect to to dojections, your attorney may object to the form of 14 preparate the question. Unless your attorney is a question, which gives me an opportunity to 15 rephrase the question. Unless your attorney 16 rephrase the question. Unless your attorney 17 instructs you not to answer, though, if you're able 18 to answer the question, and I don't withdraw it or 19 reframe it, you should attempt to answer. Do you 19 reframe it, you should attempt to answer. Do you 19 reframe it, you should attempt to answer. Do you 19 A Employees. 19 Thank you. 20 Q Thank you. 21 A Yes. 22 Q Thank you. 23 MR. POROVIC: Can you read the last 23 Q Row long have you had that position? 24 question back, please. 25 THE REPORTER: Sure. Page 15 1 (Record read.) 1 (Record read.) 2 MR. POROVIC: 3 areas is about? 2 MR. SIBSEL: I objected as to form. 3 EY MR. DOROVIC: 4 Q What is your understanding of what this 5 case is about? 4 Q What is your understanding of what this 6 case is about? 5 case is about? 6 A That the specific model, the 6 A That the specific model, the 7 three-terabyte hard drive, has a very low 8 reliability. 6 Q Do you recall whether you read anything 10 about the reliability of hard drives prior to your 15 about the reliability of hard drives prior to your 15 about the reliability of hard drives prior to your 16 about the reliability of hard drives prior to your 17 purchase of a Seagate three-terabyte hard drive? 19 A Yes. 11 Q Do you recall what information you read 19 Q What did you read? 11 purchase of a Seagate three-terabyte hard drives? 12 A Yes. 13 Q Do you recall that you did read 19 Q What did you read? 14 A Yes. 15 A Un-huh. 16 B Because at the time that was the only place that I 19 Q What did you read? 16 A I read the marketing information you read 19 Q Prior to Esurance, were you employed most recently, 20 Q Do you recall what information you read 21 Yes Prior to Esurance, were you employed most recently, 21 Yes Prior to Barrance, 22 A Office Max? 24 Yes	11	-	11	A	Our internal software that our service
13 Q Let me just briefly, with respect to of 2 decions, your attorney may object to the form of 5 a question, which gives me an opportunity to 16 rephrase the question. Unless your attorney 16 test it as the users would use it. 17 instructs you not to answer, though, if you're able 18 to answer the question, and I don't withdraw it or 19 reframe it, you should attempt to answer. Do you 19 understand that? 20 And are the users outcomers of Esurance 20 understand that? 21 A Yes. 21 with external customers of Esurance 21 A Pers. 22 Q Thank you. 22 A Correct. 23 QQ Mow long have you had that position? 24 question back, please. 24 A Getting close to ten years. 25 THE REFORMER: Sure. 25 Q Haw long have you had that position? 26 A That the specific model, the 2 Q What is your understanding of what this 5 case is about? 2 A That the specific model, the 2 three-terabyte hard drive, has a very low 8 reliability. 2 Q Do you recall whether you read anything 19 Q Do you recall whether you read anything 19 Q Do you recall whether you read anything 19 Q Do you recall whether you read anything 19 Q Do you recall that you did read 19 C Does your job involve testing hardware at 20 Q Mat drives prior to your 10 In the sense that things are stored on 19 Durchase of a Seagate three-terabyte hard drives in a complete in through that entire ten-year period? 3 areas of the software that we use 3 areas of the software that we use 3 areas of the software in the wear of a season through that entire ten-year period? 4 Q So it's testing different kinds of a software over time? 5 areas of the software in the wear over time? 6 A Yes. 7 Q Thank you. 7 Q Thank you. 7 Q Thank you. 7 Q Prior to Esurance, were you employed	12	-	12	reps use.	
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15 a question, which gives me an opportunity to 16 rephrase the question. Unless your attorney 17 instructs you not to answer, though, if you're able 18 to answer the question, and I don't withdraw it or 19 reframe it, you should attempt to answer. Do you 10 understand that? 11 A Yes. 12 Q And those would be people who interact 12 A Yes. 13 A Gerrect. 14 Q And those would be people who interact 15 with external customers? 16 A Employees. 17 A Gerrect. 18 A Correct. 19 A Bemployees. 20 Q And those would be people who interact 21 A Yes. 22 Q Thank you. 23 Q How long have you had that position? 24 question back, please. 25 THE REPORTER: Sure. 26 Page 15 27 MR. SIEUEL: I objected as to form. 28 BY MR. FOROVIC: 29 MR. SIEUEL: I objected as to form. 20 What is your understanding of what this 20 C Mat is your understanding of what this 21 through that entire ten-year period? 22 A That the specific model, the 23 the reliability of hard drive, has a very low 24 reliability of hard drives prior to your 25 A I read information on Seagate's website. 26 Q What is gour recall that you did read 27 A Yes. 28 Q Do you recall that you did read 29 Q Do you recall that you did read 30 about the reliability of hard drives prior to your 31 purchase of a Seagate three-terabyte hard drive? 32 A Yes. 33 Q Do you recall that you did read 34 concert implies the prior to your 35 A H. hub. 36 Q What did you read? 37 A I read information on Seagate's website. 38 Because at the tine that was the only place that I as considering, And I sleso 39 Q Do you recall that information you read 30 control really find much information posicific 30 Q Do you recall that information specific 31 The drive that I was considering, And I sleso 32 The drive that I was considering, And I sleso 33 To the drive that I was considering, And I sleso 44 Pread as much of the technical information as I could 45 The drive that I was considering, And I sleso 46 Prior to Esurance. 15 A I have specialized in a couple different kinds of software over time? 48 Q So it's tes	14		14	_	
16 rephrase the question. Unless your attorney 17 instructs you not to answer, though, if you're able 18 to answer the question, and I don't withdraw it or 19 reframe it, you should attempt to answer. Do you 20 understand that? 21 A Yes. 22 Q Thank you. 23 MR. DODOVIC: Can you read the last 24 question back, please. 25 THE REPORTER: Sure. 26 Page 15 27 MR. SIRGEL: I objected as to form. 28 PY MR. POPOVIC: 4 Q What is your understanding of what this 5 case is about? 6 A That the specific model, the 7 three-terabyte hard drive, has a very low 8 reliability. 9 Q Do you recall whether you read anything 10 about the reliability of hard drives perior to your 11 purchase of a Seagate three-terabyte hard drive? 12 A Yes. 13 Q Do you recall that you did read 14 concething? 15 A Un-hub. 16 Q What did you read? 17 A I read information on those drives. 18 Because at the time that was the only place that I on that website? 20 A I read smuch of the technical information as I could 21 three derives the marketing information as I could 22 A Sales associate. 23 Q A Mad the susers customers of Esurance 24 computers of Esurance? 25 A And these would be people who interact with external customers? 26 A Brployees. 27 A Correct. 28 Q How long have you had that position? 29 A Etting close to ten years. 29 Q Have your responsibilities been the same Page 17 21 through that entire ten-year period? 22 A I have specialized in a couple different a reasof the software that we use. 24 Q So it's testing different kinds of software over time? 25 software over time? 26 Thank you. 27 Do you recall what drives perior to your 28 A No. Well, incidental to using a computer? 29 A Un-hub. 20 Do you recall what information you read 21 on that website? 21 A I read the marketing information specific 22 A Office Max. 29 Q Do you recall what information as I could 20 Office Max.	15		15	А	I'm the user-experience tester. So I
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June 02, 2017

CIII	iscopher Neison, voi i		June 02, 201
1	Page 130 A No. Each time I tried to access the hard	1	Page 132
2	drive, it basically got worse.	2	A Yes.
3	Q How did it get worse?	3	Q Where did you read those?
4	A A larger number of errors.	4	A I believe they were in the marketing
5	Q Did you take any other steps to attempt	5	materials for the drives.
6	to recover the lost data?	6	Q Seagate's marketing materials?
7	A Such as?	7	A Yes.
8	Q Such as hiring a vendor to recover it for	8	Q But you did not intend to use the drive
9	you.	9	for RAID; is that correct?
10	A No.	10	A That's correct.
11	Q Such as asking Seagate if they can help	11	Q Prior to purchasing the drive, did you
12	you recover.	12	read any statements by Seagate about NAS use?
13	A No.	13	A Yes.
14	Q Why not?	14	Q Was that also in Seagate's marketing
15	A The errors that were occurring indicated	15	materials?
16	to me that there was nothing to recover.	16	A Yes.
17	Q So you believe that the data was gone and	17	Q But, as with RAID, you did not intend to
18	there was no possible way anyone could recover it?	18	use the drive for NAS; is that correct?
19	A That's correct.	19	A Because I can't say that I did initially,
20	Q Did you have that data anywhere else,	20	but I didn't have a router at the time that would
21	stored anywhere else?	21	allow that.
22	A The data that was lost?	22	Q Did you at some point subsequently decide
23	Q The data that was on that hard drive that	23	you were going to use it for NAS?
24	was lost.	24	A I I contemplated it but did not.
25	A I'm not sure I understand specifically	25	Q So you never used it for NAS?
	Page 131		Dago 122
1	what you're asking.	-1	Page 133 A No.
2	Q In the complaint, you allege, in	2	Q Was the drive's suitability for NAS use a
3	Paragraph 145, that you lost data, including,	3	factor in your decision to purchase it?
4	without limitation, irreplaceable photos and	4	A With an eye towards using it that way in
5	documents. And I'm asking you whether those	5	the future, yes.
6	irreplaceable photos and documents were stored	6	Q Was the drive's suitability for RAID use
7	anywhere other than the Seagate hard drive.	7	a factor in your decision to purchase?
8	A The documents that were lost I did not	8_	A It was.
9	store on any other drive or in any other medium.	9	Q How was it a factor in your decision to
10	Q Documents and photos, or just documents?	10	purchase if did you not intend to use it for RAID?
11	A Yeah. Yes.	11	A It indicated that the hard drive was
12	Q Both?	12	would be good for use in a high-reliability
13	A Both.	13	situation.
14	Q Do you know what RAID is?	14	Q So you considered the statements about
15	A Redundant array of inexpensive disks.	15	RAID an indication or an indicator of reliability?
16	Q Do you know what NAS is?	16	A Yes.
17	A Network attached storage.	17	Q Have you ever set up a RAID array?
18	Q Did you purchase your three-terabyte	18	A Once or twice.
19	Backup Plus hard drive for RAID use?	19	Q Have you ever done a RAID array that uses
20	A I did not.	20	Seagate hard drives?
21	Q Did you purchase it for NAS use?	21	A I don't recall all the hard drives that I
22	A I did not.	22	used.
23	Q Prior to purchasing your Seagate	23	Q What type of RAID array, or arrays, have
24	three-terabyte hard drive, did you read any	24	you set up?
25	statements by Seagate about the drive suitability	25	A Mirrored striping with parity, striping

June 02, 2017

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-	Page 170
1	I, CHRISTOPHER NELSON, do hereby declare
2	under penalty of perjury that I have read the
3	foregoing transcript; that I have made any
4	corrections as appear noted, in ink, initialed by
5	me, or attached hereto; that my testimony as
6	contained herein, as corrected, is true and correct.
7	EXECUTED this day
8	of,
9	20, at
9	
	(City) (State)
10	
11	
12	
13	CHRISTOPHER NELSON
14	
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	Page 171
1	Page 171 I, the undersigned, a Certified Shorthand
1 2	I, the undersigned, a Certified Shorthand
2	I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby
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2 3 4	I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify: That the foregoing proceedings were taken
2 3 4 5	I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify: That the foregoing proceedings were taken before me at the time and place herein set forth;
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